Docket No. ORT-1453

TRACE IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : C. Plata-Salaman and Jeffrey Crooke

Serial No. : 09,900,567

Art Unit:

Filed

: July 6, 2001

Examiner:

For

: ANTICONVULSANT DERIVATIVES USEFUL FOR PREVENTING THE DEVELOPMENT OF TYPE II DIABETES MELLITUS AND

CONTROL OF THE HEADERED

SYNDROME X

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner For Patents, Washington, D.C. 20231 on

August 27, 2001
(Date of Deposit)

John W. Harbour (Name of applicant, assignee, or Registered Representative)

August 27, 2001

(Date of Signature)

Commissioner for Patents Washington, D.C. 20231

## INFORMATION DISCLOSURE STATEMENT

Dear Sir:

Pursuant to 37 C.F.R. §1.56 and in accordance with 37 C.F.R. §§1.97-1.98, information relating to the above-identified application is hereby disclosed. Inclusion of information in this statement is not to be construed as an admission that this information is material as that term is defined in 37 C.F.R. §1.56(b).

Applicant(s) reserve(s) the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this

information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist.

☐ In accordance with §1.97(b), since this Information
Disclosure Statement is being filed either within three months
of the filing date of the above-identified national application
(other than a continued prosecution application under §1.53(d)),
within three months of the date of entry into the national stage
of the above identified application as set forth in §1.491, or
before the mailing date of a first Office Action on the merits
of the above-identified application, or before the mailing date
of a first Office Action after the filing of a request for
continued examination under §1.114, no additional fee is
required.
In accordance with §1.129(a), this Information  Disclosure Statement is being filed in connection with [ the
first or   second After Final Submission, therefore:
<pre>Statement in Accordance with §1.97(e)</pre>
(attached); or
Please charge Deposit Account No. 10-0750/ /
the fee of $$180.00$ as set forth in $$1.17(p)$ .
In accordance with §1.97(c), this Information
Disclosure Statement is being filed after the period set forth
in §1.97(b) above but before the mailing date of either a Final
Action under §1.113 or a Notice of Allowance under §1.311, or an
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action that otherwise closes prosecution and that it is accompanied by one of: Statement in Accordance with §1.97(e) (attached); or Please charge Deposit Account No. 10-0750/ the fee of \$180.00 as set forth in \$1.17(p). In accordance with §1.97(d), this Information Disclosure Statement is being filed after the mailing date of either a Final Action under §1.113 or a Notice of Allowance under §1.311 but before the payment of the Issue Fee. Applicant(s) hereby petition(s) for consideration of this Information Disclosure Statement. Included are: Accordance with §1.97(e) as set forth below and the fee of \$180.00 as set forth in §1.17(p). Copies of each of the references listed on the  $\boxtimes$ attached Form PTO-1449 are enclosed herewith. Copies of references listed on the attached Form PTO-1449 are enclosed herewith EXCEPT THAT: In view of the voluminous nature of references [list as appropriate], and the likelihood that these references are available to the Examiner, copies are not enclosed herewith. If any of the foregoing publications are not available to the Examiner, Applicant will endeavor to supply copies at the Examiner's request.

There are no listed references which are not in the English language. The relevance of those listed references which are not in the English language is as follows: Attached are copies of search report(s) from corresponding patent application(s), which are listed on the attached Submission Under MPEP 609 D. Attached are the following non-published pending patent applications which may be deemed relevant, which are listed on the attached Submission Under MPEP 609 D. Please charge any deficiency or credit any overpayment to Deposit Account No. 10-0750/ORT1453/RRP. This form is submitted in triplicate. Respectfully submitted, John W. Harbour Req. No. 31365 Attorney for Applicants Johnson & Johnson One Johnson & Johnson Plaza New Brunswick, NJ 08933-7003 (732) 524-2818 DATED: August 27, 2001

PTO/SB/08A (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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# INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)
Sheet 1 of 2

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Application Number	09/900,567
Filing Date	July 6, 2001
First Named Inventor	Carlos Plata-Salaman
Group Art Unit	
Examiner Name	
Attorney Docket Number	ORT-1453

#### U.S. PATENT DOCUMENTS

		U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document	Pages, Columns, Lines, where relevant passages	
Examiner	Cite	Kind Code <sup>2</sup>					
Initials	No. <sup>1</sup>	Number (i	f known)	of Cited Document	mm-dd-yyyy	or relevant figures appear	
		4,513,006		Maryanoff et al	04/23/1985		
		5,242,942		Costanzo et al	09/07/1993	•	
		5,387,700		Maryanoff et al	02/07/1995		
		6,071,537		Shank	06/06/2000		
		6,191,163	B1	Cottrell	02/20/2001		
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### **FOREIGN PATENT DOCUMENTS**

Examiner Initials	Cite No. <sup>1</sup>	Foreign Patent Document		nt	Name of Patentee or	Date of Publication of Cited Document	Pages, Columns, Lines, where relevant	
		Office <sup>3</sup>	Number⁴ K	ndCode <sup>5</sup>	Applicant of Cited Document	mm-dd-yyyy	passages or relevant figures appear	т⁴
		wo	00/61139	A1	Ortho-McNeil Pharmaceutical, Inc.	10/19/2000		
		wo	00/61140	A1	Ortho-McNeil Pharmaceutical, Inc.	10/19/2000		
		wo .	99/44581	A2	Ortho-McNeil Pharmaceutical, Inc.	09/10/1999	·	
		wo	00/50020	A2	University of Cincinnati	08/31/2000		
		wo	00/76493	A1	Najarian	12/21/2000		

Examiner	•	Date
Signature	· ·	Considered

<sup>\*</sup>EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U. S. Patent and Trademark Office, Washington, DC 20231

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<sup>1</sup> Unique citation designation number. 2 See attached Kinds of U.S. Patent Documents. 3 Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). 4 For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. 5 Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. 6 Applicant is to place a check mark here if English language Translation is attached.

PTO/SB/08A (08-00) Approved for use through 10/31/2002. OMB 0651-0031
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# INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary) Sheet 2 of 2

a collection of information unless it displays a	a valid OMB control number.
Application Number	09/900,567
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First Named Inventor	Carlos Plata-Salaman
Group Art Unit	
Examiner Name	
Attorney Docket Number	ORT-1453

		OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS	
Examiner's	Cite	Include name of the author (in CAPITOL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T²
		OSBORNE et al, Topiramate Improves Glycemic Control and Triglycerides in Animal Models. Presented to ADA. Abstracts published on line http://www.diabetes.org/am01/AnnualMeeting/Abstracts/AbstractSearch.asp pp 1-11 Abstract, June 2001 OSBORNE Figures 4 pages	
		DEMAREST, K. ET AL Topiramate Improves Tolerance and May Improve Insulin Sensitivity in Animal Models of Type 2 Diabetes Mellitus. Pages 1-10. Abstract, June 2001	
		DEMAREST POSTER 6 PAGES Figure 1a to Figure 4  CROOKE et al. ABSTRACT, Topiramate Improves Glycemic Control Independent of Weight Loss in ob/ob Mice 1 page, June 2001	
		DEMAREST ET AL ABSTRACT Topiramate Improves Glucose Tolerance and May Improve Insulin Sensitivity in Animal Models of Type 2 Diabetes Mellitus 1 page	
		OSBORNE ET AL ABSTRACT Topiramate Improves Glycemic Control and Triglycerides in Animal Models 1 page, June 2001	
			-
<u> </u>			

Examiner	Date
Signature	Considered

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